

Appl. No. : 10/813,707
Filed : March 30, 2004

REMARKS

This is in response to the Office Action mailed September 19, 2007. Claims 1-11 are pending in the application, Claims 8-11 having been added herein.

By the Action, the Examiner objected to Claim 1. As recognized by the Examiner, Claim 1 erroneously recited the term “an” rather than “and” in the preamble. Applicant has requested appropriate correction herein.

The Examiner rejected Claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by Gould (U.S. Published Application 2001/0001856). The Examiner asserts that Gould discloses each of the limitations of the claims.

Applicant disagrees, noting that in order for Gould to anticipate, not only must Gould identically disclose each and every element of the claimed invention, but *the elements must be arranged as in the claim under review*. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir 1990). Applicant asserts that Gould does not recite the claimed invention in this respect.

Claims 1-3

Relative to Claim 1, the Examiner asserts that Gould discloses a system including a user device including at least one information reading device, a master device, an at least one application associated with the master device and transmitted over a communication link to the user device to permit a user to access account information. However, the different passages or portions of Gould which the Examiner relies upon do not appear to disclose the referenced claim elements and/or do not relate to one another, and thus do not disclose the invention as claimed.

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In general, Gould discloses a system where users, such as students, may make purchases at a vendor's location using a cash-equivalent card read by a card reader (see Figure 1; paragraphs [0027] – [0030]). In this configuration, the student does not have a user device. The vendor has a card reader, but the vendor's device does not comprise a user device and is not configured to have an application transmitted thereto from a server to provide the student with access to their account. Gould also discloses that a parent might use a computer to view their student's purchases (see paragraphs [0049] – [0051]). In this configuration, however, the parent's computer does not have an information reading device.

Thus, while Gould discloses various of the individual elements of the system as claimed (such as server storing account data and a card reader), Gould does not disclose the system in the configuration as claimed (for example, the card reader of Gould is associated with a vendor's point of sale terminal and not a user device, etc). This can be seen by carefully examining the various portions of Gould cited by the Examiner. For example, the Examiner relies upon paragraphs [0041] and [0058] as disclosing a user device with an information reading device. However, these paragraphs do not appear to disclose either a user device or an information reading device, but instead appear to simply disclose vendor related features such as data checking and verification. Relative to Claim 2, the Examiner indicates that Gould teaches a bar code reader as comprising the information reading device (at paragraphs [0028] - [0029] and [0040]). It thus appears that the Examiner is asserting that Gould's merchant or POS terminal comprises the "user device", with the card reader thereof comprising the information reading device.

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However, relative to the claim limitation of “an application transmitted to a user device”, the Examiner cites paragraphs [0051] – [0053]. These paragraphs, however, disclose a parent’s use of a telephone or computer to monitor their student’s activities. The parent’s computer is a separate device from the vendor’s POS terminal (see element (60) in Figure 1 of Gould, which is a parent computer versus element (20), which is the vendor POS terminal). Since, the vendor’s POS terminal has been construed as the “user device”, then the portions of Gould which disclose access by a parent of account information via a different device do not meet the limitations of Claim 1. In particular, in accordance with Gould, such access is not via the vendor’s device which has been construed to be the user device, but a completely different device.

Applicant also notes that, were the parent device to be construed as the “user device”, Gould’s configuration still does not meet the limitations of Claim 1. In particular, in that construction, the parent device does not have an information reading device (as indicated above, the only disclosure in Gould of an information reading device is associated with a vendor’s POS terminal).

Relative to Claim 3, Applicant asserts that Gould does not disclose a ticket printer associated with the master device. The Examiner has referenced Figure 1 of Gould for such a disclosure. However, Figure 1 does not appear to disclose a printer anywhere. Other portions of Gould disclose a party’s purchase of tickets (such as in paragraph [0058]), but those tickets are not printed by the system, but are provided by other suppliers (paragraph [0058] discloses Gould’s system tracking purchases of such tickets and then providing associated rewards). Further, Figure 5 of Gould

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discloses an account statement, but that statement is not a ticket and is not printed (as disclosed at paragraph [0053], the statement is electronic).

Claims 4-7

Applicant also assert that Gould does not disclose the limitations of Claim 4. The Examiner cites Gould as disclosing a ticket bearing account information, the ticket associated with a product. However, Figure 5 cited by the Examiner is not a ticket, but an account statement (see paragraph [0053]). Moreover, that statement is not associated with a product, but is simply electronic information presented via an Internet interface (see again paragraph [0053]).

In order to make this distinction more clear, Applicant has amended Claim 4 to clearly recite that the ticket is physical (not electronic data), and that the ticket is connected to a physical product or the packaging thereof. Gould does not disclose a ticket, let alone connecting a ticket to a particular product (the Examiner also cites paragraph [0060] of Gould, but that paragraph merely discloses tracking purchases and associating points or rewards with a cash card).

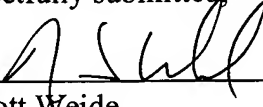
Claims 8-10

Applicant has presented new Claims 8-10. These claims are method claims relating to the system which has been claimed and presented in Claim 1. Applicant asserts that these claims are thus allowable for similar reasons as those set forth above, namely that Gould does not disclose all of the limitations of the claim or the combination of elements as claimed.

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Summary

Applicant asserts that these new claims are in a condition for allowance and respectfully request a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,
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